

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GEORGE D. AND MARIA P. KOFINAS :  
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 Plaintiffs, :  
 : 20-cv-7500 (JSR)  
 -v- :  
 :  
 : ORDER  
 FIFTY-FIVE CORP. et al., :  
 :  
 Defendants. :  
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JED S. RAKOFF, U.S.D.J.

The Court conducted a bench trial from June 2, 2021 through June 10, 2021 on the four claims remaining after the Court's February 1, 2021 bottom-line order, ECF No. 80, and February 16, 2021 opinion, ECF No. 82, granting in part and denying in part defendants' motion to dismiss for failure to state a claim. The Court granted defendants' motion with regard to the claims for tortious interference of contract and aiding and abetting the same, and all claims for punitive damages. The Court denied defendants' motion to dismiss as to the rest of the claims. The Court bifurcated the trial between liability and damages and limited the first phase of the trial to the question of liability.

The claims that remained at trial were (1) against defendant Fifty-Five Corp. for breach of contract; (2) against defendant Fifty-Five Corp. for negligence; (3) against defendants Peter N. Greenwald, Jane Majeski, Paul J. Mode, Stephen Farinelli, Dr.

Ronald Blum, David Hendin, Marc Lasry, Robin Baum, Stewart Lipson, Sean Gallagher, Meredith Segal, David Cudaback, Paula Dagen, Lauren Helm, Paula Wardynski, Jeffrey Levy, and John Santoleri for breach of fiduciary duty; and (4) against defendants Frederick J. Rudd and Rudd Realty Management Corp. for aiding and abetting breach of fiduciary duty.

The Court finds for defendants on all four claims and will issue an opinion setting forth the reasons for this ruling by no later than August 13, 2021. As the Court does not find defendants liable on any of the claims, the Court will not proceed with a second phase of trial on the question of damages.

SO ORDERED.

Dated: New York, NY  
July 12, 2021

  
JED S. RAKOFF, U.S.D.J.